



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
3437 Airport Way  
Suite 206  
Fairbanks, Alaska 99709-4777

PUBLIC NOTICE DATE: June 29, 2006  
EXPIRATION DATE: July 31, 2006  
REFERENCE NUMBER: POA-2005-1768-4  
WATERWAY NUMBER: Nenana River

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Nenana Native Council, Post Office Box 369, Nenana, Alaska 99760

AGENT: Mark B. Sherman, P.E., Summit Consulting Services, Inc., 3745 Geist Road, Suite 2, Fairbanks, Alaska 99709, (907) 458-7747

LOCATION: 64.5496°N, -149.1174°W. East bank of the Nenana River in section 23, Township 4 South, Range 8 West, Fairbanks Meridian, near Nenana, Alaska.

WORK: Excavation of 25,000 cubic yards (cy) of gravel by dragline from 0.32 acres of the Nenana River in each of the next ten years. Work would be performed according to the attached plans (sheets 1-4, dated June 26, 2006).

PURPOSE: To provide sand and gravel for tribal and other local construction projects.

ADDITIONAL INFORMATION: The applicant proposes to excavate 25,000 cubic yards of sand and gravel from the Nenana River in each of the next ten years. The extraction site has been previously used for gravel extraction by others. The applicant would remove gravel using a dragline from a 100'W x 100'L area (0.22 acres) on the east bank of the Nenana River. Should additional material be needed to meet the 25,000 cy target in any given year, a second 50'W x 75'L area (0.10 acres) has been identified just upstream of the primary excavation site. Approximately 25,000 cy of material would be removed annually. The DA permit, if issued, would be valid for ten years.

Dredged material would be stockpiled in an upland next to the excavation site. The stockpile would be kept at least 20 feet from the edge of the Nenana River. The applicant has applied for a Department of Natural Resources Material Sale Contract (number ADL 417588) allowing the applicant to sell the dredged material and pay the state a fee for such use.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. Six historic sites were determined to be located within one mile of the project area. These sites are identified as FAI-00039, FAI-00081, FAI-00099, FAI-00442, FAI-00444, and FAI-01554. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines.

Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Sharon Seim by email at [Sharon.G.Seim@poa02.usace.army.mil](mailto:Sharon.G.Seim@poa02.usace.army.mil), by phone at (907) 474-2166, or by FAX at (907) 474-2164, if further information is desired concerning this notice.

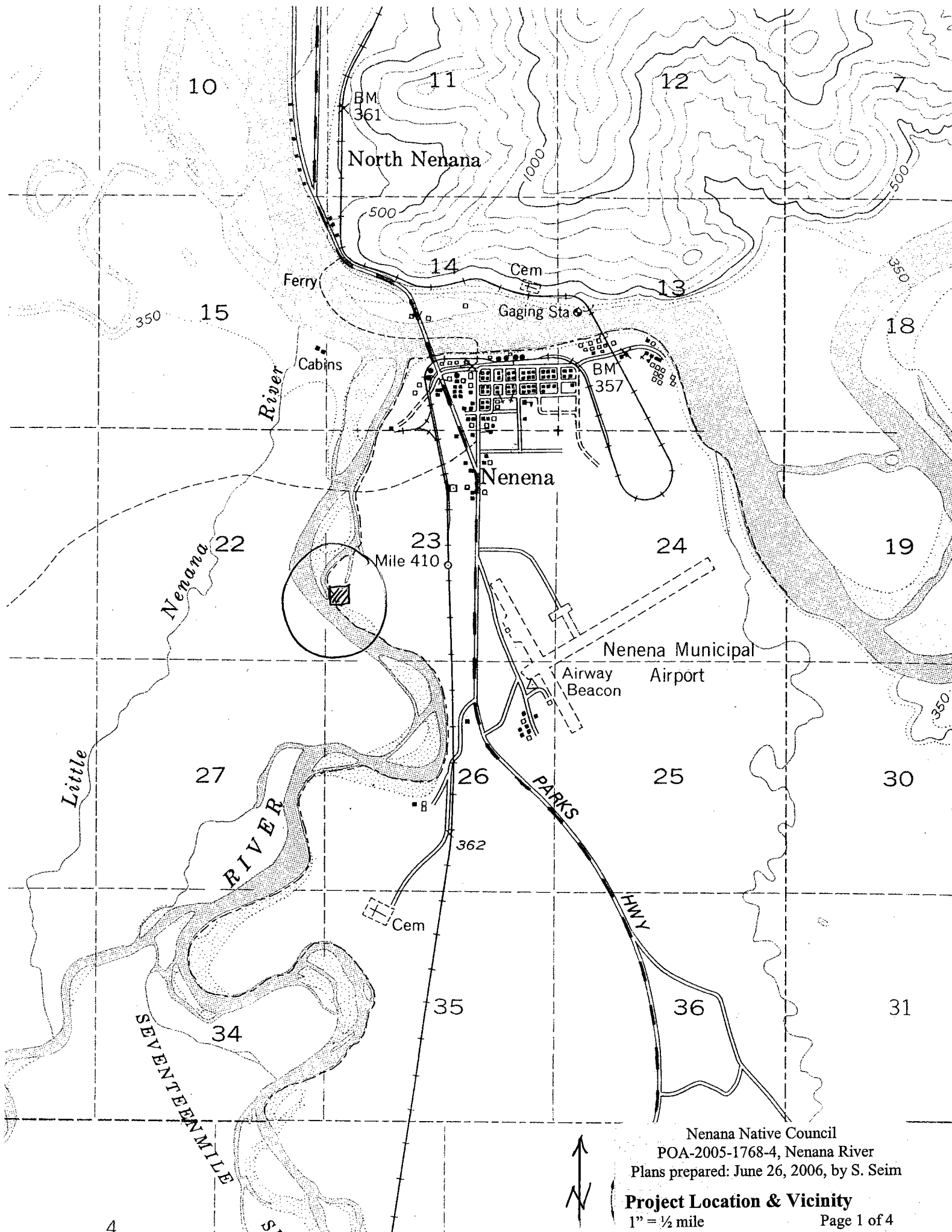
AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

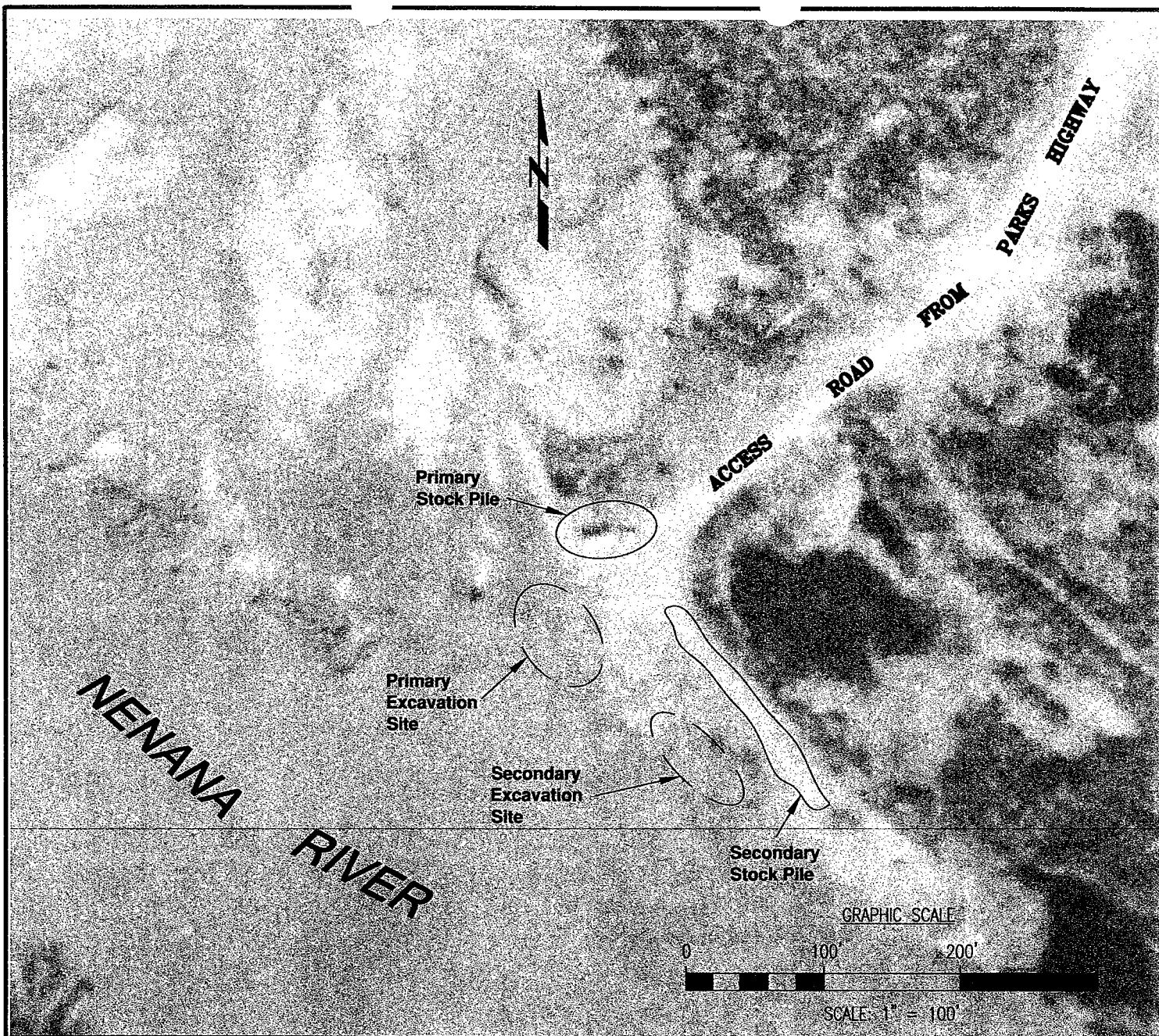
A plan and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments



Nenana Native Council  
POA-2005-1768-4, Nenana River  
Plans prepared: June 26, 2006, by S. Seim  
**Project Location & Vicinity**  
1" = 1/2 mile  
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**PROJECT:**

NENANA NATIVE COUNCIL  
GRAVEL MINING

**PURPOSE:**

PROVIDE GRAVEL FILL  
FOR PROJECTS.

**ADJACENT PROPERTY  
OWNERS:**

CITY OF NENANA  
ALASKA RAILROAD

**SITE MAP**

**APPLICANT:**

NENANA NATIVE COUNCIL  
P.O. Box 356  
Nenana, AK 99760

**AGENT:**

SUMMIT CONSULTING SERVICES  
3745 Geist Road Suite: 2  
Fairbanks, Alaska 99709



**SCALE:** 1" = 100'

**LOCATION:**

62° 32' 58" N  
149° 07' 03" W

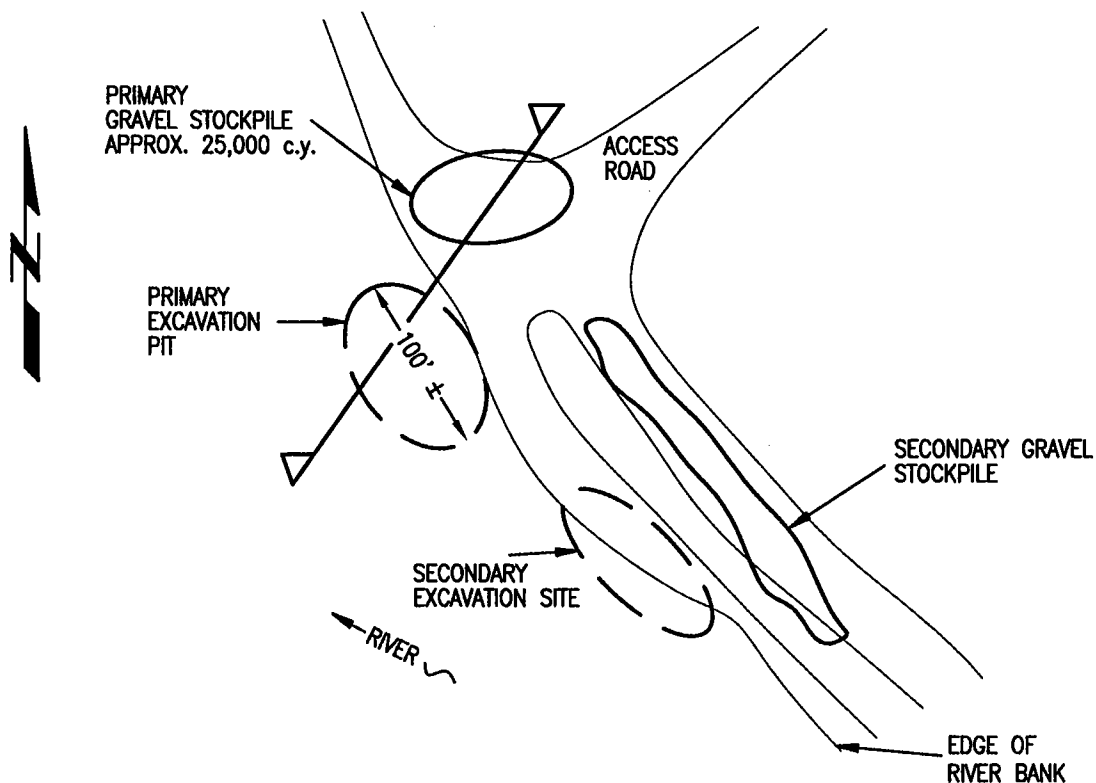
Township 4 South

Range 8 West

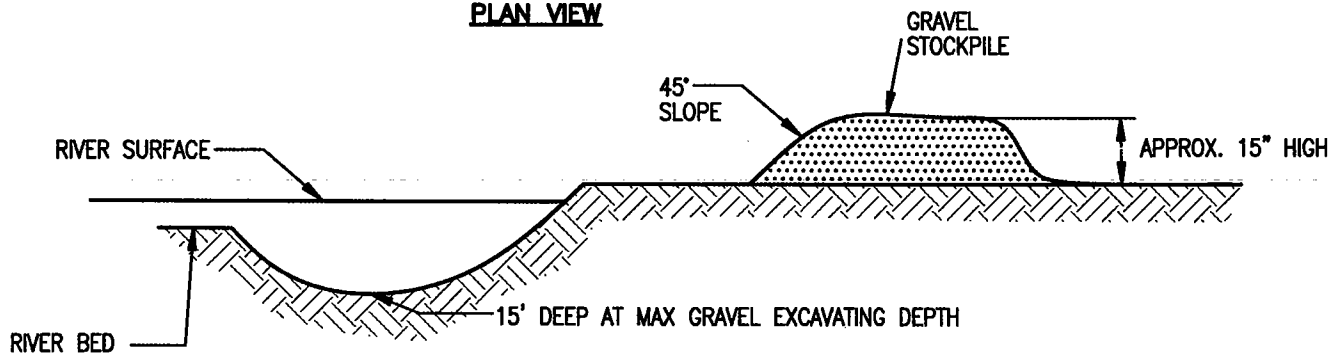
Fairbanks Meridian

Nenana Native Council  
POA-2005-1768-4, Nenana River  
Plans prepared: June 26, 2006, by S. Seim

**Project Plan**  
1" ≈ 110 feet



**PLAN VIEW**



**SECTION VIEW**

**PROJECT:**

NENANA NATIVE COUNCIL  
GRAVEL MINING

**PURPOSE:**

PROVIDE GRAVEL FILL  
FOR PROJECTS.

**ADJACENT PROPERTY  
OWNERS:**

CITY OF NENANA  
ALASKA RAILROAD

**PLAN & PROFILE**

**APPLICANT:**

NENANA NATIVE COUNCIL  
P.O. Box 356  
Nenana, AK 99760

**AGENT:**

SUMMIT CONSULTING SERVICES  
3745 Geist Road Suite 2  
Fairbanks, Alaska 99709



**SCALE:** NOT TO SCALE

**LOCATION:**

62° 32' 58"N  
149° 07' 03"W

Township 4 South

Range 8 West

Fairbanks Meridian

Nenana Native Council  
POA-2005-1768-4, Nenana River  
Plans prepared: June 26, 2006, by S. Seim

**Project Plan and Section**  
NTS

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**FIG. 3**

The Nenana Native Council (NNC) has asked Summit Consulting Services (SCS) to assist them in acquiring a Department of the Army Permit for gravel extraction from the Nenana River. The NNC proposes to extract gravel from the Nenana River near Nenana, Alaska for the purpose of providing construction material for various tribal projects in the Nenana area. They propose to extract the sandy gravel from a depositional site in the Nenana River near the end of 10<sup>th</sup> Avenue in Nenana. This site will be used on an annual basis to provide gravel fill for various projects under construction by the NNC and its contractors, including housing, roads, and other projects requiring gravel fill material.

Figure 1 shows the location of the proposed gravel extraction site in relation to the City of Nenana. The NNC proposes to extract approximately 25,000 cubic yards of gravel for their uses annually on an as-needed basis. The site has historically been used for gravel mining, and consists entirely of uplands with the exception of the actual material site located beneath the high water mark of the Nenana River. A site map is included in Figure 2. A plan view and cross section of the proposed site showing the actual extraction site and the proposed stockpile site is included in Figure 3. We have also included a series of photographs of the proposed site.

This is a depositional site along the accreting east bank of the Nenana River. Figures 2 and 3 show both a primary and secondary excavation site. Due to the fluctuating nature of the Nenana River bed load, it is occasionally necessary to widen the area used for the gravel pit, as the river sometimes does not deposit a full 25,000 cubic yards of gravel annually. For the purposes of this Permit we have included both a Primary and Secondary excavation site. Under most normal circumstances the primary site will be sufficient to meet the needs of the NNC, however from time to time their project needs may exceed the yearly deposition at the Primary site, and the adjacent Secondary site will be used to meet the annual material needs.

FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

Non-Point Source Water Pollution Control Program  
401 Certification Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA 2005 1768-4, Nenana River serves as application for a short-term variance of State Water Quality Certification from the Department of Environmental Conservation, as provided in Section 401 of the Clean Water Act of 1977 (PL 95-217).

The Department will review the proposed activity to ensure that, except for an allowed, short-term variance, any discharge to waters of the United States resulting from the referenced project will comply with the Clean Water Act of 1977 (PL95-217), the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-7564  
FAX: (907) 269-7508